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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,948	11/08/2000	Tetsuro Ashida	0879-0289P	9136

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
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EXAMINER

CARTER, AARON W

ART UNIT	PAPER NUMBER
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2624

MAIL DATE	DELIVERY MODE
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01/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/707,948

Applicant(s)

ASHIDA ET AL.

Examiner

Aaron W. Carter

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 13 and 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 13, 19-28 and 32-36 is/are rejected.
- 7) ☒ Claim(s) 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/20/07</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-28 and 32-36 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

3. Claims 32-36 are objected to because of the following informalities:

In claim 32, line 6, the phrase "not yet been subjected any lossy", appears to be grammatically incorrect. Claims 33-36 reflect similar grammatical issues.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-3, 7, 13, 19-28 and 32-36 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,005,971 to Bergman et al. ("Bergman").

As to claim 1, Bergman discloses an image playback apparatus that reproduces an image in visible form based on input image data representing reflectance values (*Fig. 1 and column 4, line 54 – column 5, line 21, wherein the apparatus disclosed in Fig. 1 corresponds to an image playback apparatus that reproduces an image in visible form on the display (108)*), said image playback apparatus executing a function for automatically changing a dynamic range of at least a part of the reproduced image (*column 6, line 46 – column 7, line 17, wherein the area corresponds to the at least a part of the reproduced image*) that has been selected by an action of a viewer viewing the reproduced image (*column 5, lines 48-52, wherein the user may select the area to be altered*).

Wherein the at least a part is less than a whole (*column 5, lines 22-26 and 48-52, wherein an area of an image correspond to the at least a part, which is less than the whole image*), and

Wherein a range of image information of the at least a part of the reproduced image mapped for reproducing is widened compared to a range of image information of a rest of the reproduced image mapped for reproducing when the function for automatically changing the dynamic range of the at least a part of the reproduced image is executed (*column 6, line 46 – column 7, line 17, wherein the dynamic range of the area maybe altered to have a greater or wider dynamic range than the overall image*).

As to claim 2, Bergman discloses an image playback apparatus that reproduces an image in visible form based on input image data representing reflectance values (*Fig. 1 and column 4, line 54 – column 5, line 21, wherein the apparatus disclosed in Fig. 1 corresponds to an image playback apparatus that reproduces an image in visible form on the display (108)*), said image playback apparatus executing a function for automatically changing a tone conversion characteristic of at least a part of the reproduced image (*column 6, line 46 – column 7, line 17, wherein the area corresponds to the at least a part of the reproduced image and changing the dynamic range corresponds to a tone conversion*) that has been selected by an action of a viewer viewing the reproduced image (*column 5, lines 48-52, wherein the user may select the area to be altered*),

Wherein the at least a part is less than a whole (*column 5, lines 22-26 and 48-52, wherein an area of an image correspond to the at least a part, which is less than the whole image*),

Wherein when the function for automatically changing the tone conversion characteristic of the at least a part of the reproduced image is executed, a range of output values mapped to a range of image information of the at least a part of the reproduced image is wider after executing

the function than before executing the function (*column 6, line 46 – column 7, line 17, wherein the dynamic range of the area maybe altered to have a greater or wider dynamic range than the overall image and dynamic range altering corresponds to tone conversion*), and

Wherein the range of output values mapped to the range of image information of the at least a part of the reproduced image after executing the function is less than an entire range of possible values (*column 6, line 46 – column 7, line 17, wherein, for example, the output range is 0-0.95, which is less than an entire range of possible values of 0-1.0*).

As to claim 3, please refer to the rejection of claim 2 above.

As to claim 7, please refer to the rejection of claim 1 above.

As to claim 13, please refer to the rejection of claim 2 above.

As to claim 19, Bergman discloses the image playback apparatus according to claim 1, wherein the image information of the reproduced image mapped for reproducing is reflectance ratio information of the reproduced image (*column 6, line 46 – column 7, line 17*).

As to claims 20-23, please refer to the rejection of claim 19 above.

As to claim 24, Berman discloses the image playback apparatus according to claim 1, wherein the image playback apparatus displays the whole of the reproduced image according to the mapping of the image information for reproducing the at least a part of the reproduced image (*Fig. 1, element 108, column 5, lines 39-47 and column 6, line 46 – column 7, line 17*).

As to claims 25-28, please refer to the rejection of claim 24 above.

As to claim 32, all the limitations of claim 32 have been addressed in the rejection of claim 1 above, with the exception of the following limitation which is also disclosed by Bergman:

“wherein the input image data is raw image data that has not yet been subjected to any lossy compression/decompression processing”, see Fig. 1, element 116.

As to claim 33, all the limitations of claim 33 have been addressed in the rejection of claim 2 above, with the exception of the following limitation which is also disclosed by Bergman:

“wherein the input image data is raw image data that has not yet been subjected to any lossy compression/decompression processing”, see Fig. 1, element 116.

As to claim 34, please refer to the rejection of claim 33 above.

As to claim 35, please refer to the rejection of claim 32 above.

As to claim 36, please refer to the rejection of claim 33 above.

Allowable Subject Matter

6. Claims 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W. Carter whose telephone number is (571) 272-7445. The examiner can normally be reached on 8am - 4:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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